

1                                   **MINUTES OF THE COTTONWOOD HEIGHTS CITY**  
2                                   **PLANNING COMMISSION MEETING**

3  
4                                   **Wednesday, November 7, 2012**

5                                   **6:00 p.m.**

6                                   **Cottonwood Heights City Council Room**  
7                                   **1265 East Fort Union Boulevard, Suite 300**  
8                                   **Cottonwood Heights, Utah**  
9

10 ***ATTENDANCE***

11  
12 **Planning Commission Members:**

**City Staff:**

13  
14 Perry Bolyard, Chair

Brian Berndt, Community/Economic Development Dir.

15 Lindsay Holt

Larry Gardner, Planner

16 James S. Jones

Shane Topham, City Attorney

17 Jeremy D. Lapin, P.E.

Kory Solorio, Deputy City Recorder

18 Ed Ogilvie

Jennifer Walton, Planning Intern

19 Dennis Peters

20 Gordon Walker  
21

22 **BUSINESS MEETING**

23  
24 **1.0    WELCOME/ACKNOWLEDGEMENTS – Chair Bolyard.**

25  
26 Chair Bolyard called the meeting to order at 6:11 p.m.  
27

28 **2.0    CITIZEN COMMENTS**

29  
30 There were no citizen comments.  
31

32 **3.0    PUBLIC HEARINGS**

33  
34       **3.1    Public Comment on a Proposed Amendment to Chapter 19.82 “Signs”**  
35       **Concerning, Among Other Things, the Renovation, Upgrade, Conversion and**  
36       **Relocation of Off-Premise Signs (Billboards), Particularly Off-Premise**  
37       **Electronic Display Signs.**  
38

39 (18:12:01) Leslie Van Frank, an attorney representing Reagan Outdoor Advertising, understood  
40 that the Commission had many questions and felt it was unfortunate that there had been a six-  
41 month moratorium. She noted that six to eight issues were identified in an earlier staff meeting  
42 and some had not yet been addressed. Ms. Van Frank stated that they received the draft being  
43 reviewed by the Commission only one day earlier. She explained that with the given time frame  
44 they were able to identify two issues to be addressed. There were other issues in the ordinance  
45 that they would have liked to have had time to address. The issues were identified as lighting  
46 standards and the proximity to residences. Ms. Van Frank explained that the lighting standards  
47 were new and the concept was based on a dark sky with a 350 nit light standard. She noted that

1 the ordinance did not take ambient lighting into consideration. Electronic billboards were  
2 considered for installation on Highland Drive where the lights are very bright. It was thought that  
3 in that location the 350 nit standard would be problematic.

4  
5 The issue with proximity to residences was addressed in a staff meeting and it was explained that  
6 at least one of the billboards under consideration was on Union Park Boulevard and near a  
7 residence, with the dark back side facing the residence and the front digital billboard facing Union  
8 Park Boulevard. The proposed billboard was not shown on the original overlay map but would be  
9 within the overlay zone.

10  
11 Ms. Van Frank explained that the light could only fall within 600 feet of a residence. She stated  
12 that where the light falls is not the problem but rather the light itself. Language was currently  
13 being considered to specify that if the light trespasses into a residence it cannot have more than a  
14 .1-foot bleed. She also questioned whether or not there should be a curfew. Ms. Van Frank asked  
15 the Commission to allow them additional time to work on the language or table the issue. It was  
16 suggested that the Commission discuss the matter further with lighting experts.

17  
18 Jared Johnson, was present representing Yesco Electronics, a family owned business. He  
19 explained that nearly all digital billboard faces in Utah are Yesco products. Their products had  
20 also been installed internationally. Mr. Johnson explained that it was very important to the family  
21 business that the product be safe and of the very best design possible. He stated that their goal is  
22 to communicate well since their business depends on helping other businesses be successful.  
23 Mr. Johnson explained that they had responded to similar concerns in Salt Lake City pertaining to  
24 the proximity of signs to residential neighborhoods. When Yesco approached planning  
25 departments and city clerks throughout the Valley to determine whether there were any complaints  
26 on record, Mr. Johnson discovered that there were none. In fact, the response had been positive.  
27 Mr. Johnson stated that in setting standards of operation and working with local governments,  
28 planning commissions, and city councils to enact reasonable regulation, they had been able to  
29 successfully introduce new technology into an industry that had been limited in the past.

30  
31 Research indicated that over 75% of the advertising sold on digital billboards throughout the  
32 United States is for local businesses, which was significant. In reviewing the conditions and  
33 regulations, Mr. Johnson asked the Commission to consider that there are existing signs that need  
34 to be upgraded. The signs are currently allowed as much as 3,200 watts of high output lighting.  
35 There were no current regulations on signs with respect to shielding, light trespass, or volume of  
36 light.

37  
38 Mr. Johnson asked that the Commission forward a positive recommendation to City Council using  
39 the ambient light standard that is common throughout the State of Utah rather than the 350 nit  
40 level. He explained that this would create a great deal of confusion when taking measurements  
41 from a sign owners' standpoint as well as the regulators' stand point at the staff level.

42  
43 There were no further public comments. The public hearing was closed.

44  
45 **3.2 (Project #WT 12-006) Public Comment on a Proposal from AT&T to Upgrade**  
46 **Existing Antennas and Add New Roof Mounted Antennas on the Roof of**  
47 **Brighton High School Located at 2196 East Bengal Boulevard.**

1  
2 The public hearing was opened. There were no public comments. The public hearing was closed.  
3

#### 4 **4.0 DISCUSSION ITEMS**

##### 5 6 **4.1 (Project #CUP 11-010) Action on a Proposal from Adam Baloch for the Site** 7 **Plan Approval and Approval to Operate a Restaurant on the Property** 8 **Located at 7146 South Highland Drive.** 9

10 (18:28:18) Planner, Larry Gardner, explained that one condition was changed in the Construction  
11 Mitigation Plan pertaining to dust and noise issues as well as water runoff that may run onto  
12 adjacent properties during construction. There was some question about the timing of  
13 construction. It was clarified that the conditional use would expire in one year if the restaurant is  
14 not open for business unless an extension is obtained by the applicant. Mr. Gardner asked that the  
15 request be approved subject to those conditions.  
16

17 In response to a question raised by Commissioner Holt, it was noted that Members of the  
18 Architectural Review Commission (ARC) are appointed by the City Council to recommend  
19 building and aesthetic standards and construction methods in the City's Gateway Overlay Zone.  
20 They act as an advisory committee to the Planning Commission. Mr. Gardner stated that the  
21 Members appointed are considered experts in their fields. They include architects and landscape  
22 architects and serve as an advisory body to increase the level of construction in the City's Gateway  
23 area. Commissioner Holt appreciated that there are guidelines in place to assist builders with  
24 aesthetic issues.  
25

26 Chair Bolyard reviewed the staff recommendation, and stated that the only change made to the  
27 building was to the color. Staff supported the idea of the building being constructed according to  
28 the plans submitted.  
29

30 Commissioner Lapin asked if the City had a current standard for lighting. It was clarified that the  
31 only standard was that it cannot trespass onto other properties. In this case, however, the  
32 adjoining properties consist solely of commercial parking lots. Commissioner Lapin questioned  
33 whether a lighting analysis was being conducted and if so, who would review and approve it.  
34 Community/Economic Development Director, Brian Berndt, indicated that staff would review it.  
35

36 ***Commissioner Walker moved to approve a conditional use permit for Project #CUP 11-010, the***  
37 ***Cottonwood Café, subject to the following:***  
38

#### 39 ***Conditions:***

- 40
- 41 ***1. That the applicant continually adhere to all applicable laws, ordinances, and regulations***  
42 ***pertaining to this use;***  
43
- 44 ***2. The building and site will be constructed as shown on the approved plan sets;***  
45
- 46 ***3. All technical corrections to the construction documents will be made as directed by staff;***  
47

- 1       4. *The applicant will implement all conditions imposed by the Architectural Review*
- 2       *Commission;*
- 3
- 4       5. *That for safety purposes a parking lot lighting analysis be conducted and the*
- 5       *recommended number of lights be installed in the parking lot area;*
- 6
- 7       6. *That the applicant follow all provisions outlined in the Construction Mitigation Plan;*
- 8
- 9       7. *That a bond will be posted in an amount to cover all site improvements following City*
- 10       *procedures;*
- 11
- 12       8. *Including all items of the staff report.*
- 13

14 *Commissioner Jones seconded the motion. Vote on motion: Ed Ogilvie-Aye, Gordon Walker-*  
15 *Aye, James S. Jones-Aye, Lindsay Holt-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, Chair*  
16 *Perry Bolyard-Aye. The motion passed unanimously.*

17

18       **4.2     Action on a Proposed Amendment to Chapter 19.82 (Signs) Concerning,**  
19       **Among Other Things, the Renovation, Upgrade, Conversion and Relocation of**  
20       **Off-Premise Signs (Billboards), Particularly Off-Premise Electronic Display**  
21       **Signs.**  
22

23 (18:36:33) Commissioner Holt remarked that it seemed that they would be recommending  
24 approval as is, which included a limit on illumination. She wondered if the applicant, with that in  
25 mind, had an argument against the Planning Commission using industry standards. Yesco  
26 representative, Jared Johnson, stated that the standard measurement of 350 nits they were working  
27 with did not give the context in which the sign is placed. He explained that a sign in a remote  
28 location where there is no other source of light, can be operated at a very dim level and still be  
29 readable. In contrast, Mr. Johnson felt that a sign that is competing with a variety of ambient  
30 lighting conditions should be allowed a higher average nit level. The industry matched the  
31 ambient light standard to its equivalent in nits based on the location of the sign. He felt it was  
32 inappropriate to include a standard number of nits with no context or process of measurement to  
33 establish the standard.

34

35 Commissioner Lapin felt it was specifying a maximum of 350 nits and that someone could  
36 certainly go below 350 if the location is poorly lit. There was discussion on a study described  
37 during the work session. Mr. Johnson felt that if they were to conduct the same study in Utah  
38 without digital technology, they would be at 400 and 1,500 nits, depending on the size of the sign  
39 and the number of light fixtures. The study was based on nighttime numbers from Toronto and  
40 commissioned by Toronto City Officials. Commissioner Lapin was most comfortable allowing  
41 staff to establish an appropriate number.

42

43 In response to a question raised by Commissioner Peters about the moratorium issue, City  
44 Attorney, Shane Topham, stated that he was not sure if legally the moratorium could be extended  
45 in the event a decision is not made tonight. He suggested the Commission make a  
46 recommendation, and allow the City Council to resolve the remaining issues.

1 Chair Bolyard remarked that there were various options to be considered and there was some  
2 urgency to making a recommendation to the City Council tonight. The Council could choose to  
3 accept the Planning Commission's recommendation, deny it, or modify it.

4  
5 *Commissioner Walker moved to recommend the Council approve the proposed amendment as*  
6 *written and that the issues discussed at length both in the Work Meeting and Business Meeting*  
7 *be reviewed by staff and legal counsel and brought to the attention of the City Council.*  
8 *Commissioner Ogilvie seconded the motion. Vote on motion: Ed Ogilvie-Aye, Gordon Walker-*  
9 *Aye, James S. Jones-Aye, Lindsay Holt-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, Chair*  
10 *Perry Bolyard-Aye. The motion passed unanimously.*

11  
12 **4.3 (Project #WT 12-006) Action on a Proposal from AT&T to Upgrade Existing**  
13 **Antennas and Add New Roof-Mounted Antennas on the Roof of Brighton**  
14 **High School Located at 2196 East Bengal Boulevard.**

15  
16 (18:47:50) *Commissioner Peters moved to approve Project #WT 12-006, a proposal from AT&T*  
17 *to upgrade existing antennas on the roof of Brighton High School. Commissioner Jones*  
18 *seconded the motion. Vote on motion: Ed Ogilvie-Aye, Gordon Walker-Aye, James S. Jones-*  
19 *Aye, Lindsay Holt-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, Chair Perry Bolyard-Aye. The*  
20 *motion passed unanimously.*

21  
22 **4.4 Approval of the September 5, 2012, and October 17, 2012, Minutes.**

23  
24 *Commissioner Holt moved to approve the September 5, 2012, minutes. Commissioner Ogilvie*  
25 *seconded the motion. Vote on motion: Ed Ogilvie-Aye, Gordon Walker-Aye, James S. Jones-*  
26 *Abstained, Lindsay Holt-Aye, Jeremy Lapin-Aye, Dennis Peters-Aye, Chair Perry Bolyard-Aye.*  
27 *The motion passed unanimously with one abstention.*

28  
29 *Commissioner Holt moved to approve the October 17, 2012, minutes. Commissioner Jones*  
30 *seconded the motion. Vote on motion: Ed Ogilvie-Aye, Gordon Walker-Aye, James S. Jones-*  
31 *Aye, Lindsay Holt-Aye, Jeremy Lapin-Abstained, Dennis Peters-Aye, Chair Perry Bolyard-Aye.*  
32 *The motion passed unanimously with one abstention.*

33  
34 **5.0 ADJOURNMENT**

35  
36 *Commissioner Walker moved to adjourn. Commissioner Peters seconded the motion. Vote on*  
37 *motion: Ed Ogilvie-Aye, Gordon Walker-Aye, James S. Jones-Aye, Lindsay Holt-Aye, Jeremy*  
38 *Lapin-Aye, Dennis Peters-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.*

39  
40 The Planning Commission Meeting adjourned at 6:51 p.m.

1  
2 *I hereby certify that the foregoing represents a true, accurate and complete record of the*  
3 *Cottonwood Heights City Planning Commission Meeting held Wednesday, November 7, 2012.*  
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7   
8  
9

10 Teri Forbes  
11 T Forbes Group  
12 Minutes Secretary  
13

14  
15 Minutes approved: December 5, 2012